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September 2, 2021

Via Email and ECF

The Honorable Eric Komitee
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Kyle Balkissoon, 21-CR-186 (EK)

Dear Judge Komitee:

I write to reply to the government's Memorandum of Law in Opposition ("Opp."), ECF No. 14, to Mr. Balkissoon's Motion to Suppress ("Mot.") physical evidence and statements. ECF No. 12. A suppression hearing is scheduled for Wednesday, October 6, 2021, at 9:30 A.M. Mr. Balkissoon has presented material issues of fact on a contested issue of law requiring an evidentiary hearing. This Court should hold the hearing as scheduled.

I. The Parties Dispute Dispositive Issues of Material Fact.

The government argues that Mr. Balkissoon is not entitled to a hearing on his motion because "there is no material factual dispute that the Court must resolve to decide the legality of the stop and search of the Mercedes." Opp. at 22-23. The government is wrong. The government's legal theories opposing suppression rest purely on factual allegations that are in stark dispute.

First, the government asserts that Mr. Balkissoon "sat with the windows down on a cold winter morning with rolling papers on his lap," Opp. at 2, that he "appeared to be rolling a marijuana cigarette," Opp. at 3-4, and "the defendant was about to smoke the marijuana when they approached his vehicle." Opp. at 13. Mr. Balkissoon flatly denies these allegations, and they are contested by the physical evidence. In his sworn affidavit—by contrast, the government's allegations are unsworn hearsay—Mr. Balkissoon confirms that he was neither rolling a marijuana cigarette nor about to smoke one: "There was no loose [...] marijuana in my car," a necessary precondition to the rolling of a joint and the imminent smoking of marijuana. Mot. Ex. B at ¶ 3. Neither does Mr. Balkissoon admit that there were rolling papers in his lap.

At a minimum, the physical evidence creates a dispute of material fact; alternatively, it supports Mr. Balkissoon's contentions. Though they were wearing body cameras, none of the six

officers turned them on to record the supposed rolling of the marijuana cigarette, or the car stop at all. Further, the government carefully documented the contents recovered from Mr. Balkissoon's car photographically and in written property clerk invoices. None indicate the seizure of rolling papers. See Ex. A (voucher for pistol, magazine and five cartridges); Ex. B (marijuana and scale); Ex. C (black cloth bag); Ex. D (iPhone and case); Ex. E (two backpacks, eyeglass case, battery powerpack, headphones, white charging cable, multicolored charging blocks, three notebooks, three cell phones, 92 miscellaneous papers, learner's permit, interim license); Ex. F (Mercedes-Benz); Ex. G (photograph of recovered items). One would reasonably assume that if the officers vouchered headphones and phone charging cables as "arrest evidence," they would have vouchered the rolling papers central to their basis for the stop, if they had in fact seized them.

And though the officers claim that Mr. Balkissoon was "about to smoke the marijuana" because they "smelled the odor of marijuana emanating from the vehicle's two open windows as they approached the car," they failed to recover any marijuana cigarette at all, nor any loose, burnt, or burning marijuana. Indeed, the small commercial package of marijuana they recovered was factory sealed, and therefore impossible to be the source of the alleged odor:



Opp. Ex. D1. This impacts the credibility of the officers' allegations. Because the government's basis for stopping and searching the car rest on the officers' unsupported allegation that they observed Mr. Balkissoon rolling a marijuana cigarette, and imminently about to smoke it, as denied by the defendant, the Court must resolve this dispute through examination and cross-examination at an evidentiary hearing.

Second, the government's search-incident-to-arrest theory depends on Mr. Balkissoon's physical proximity to the gun—recovered from inside a backpack on the rear driver's seat—while he was detained outside the vehicle by police officers. The government asserts that Mr. Balkissoon "pass[ed] within arm's reach of the backpack that still held the gun," Opp. at 6, that at the time of the search, he was "within reaching distance of the Mercedes' passenger compartment, including the open backpack," Opp. at 13, that he "could easily have attempted to grab the gun from the backpack as he fled." *Id.*¹ These allegations, too, are contradicted by the

¹ Following the government's assertion that Mr. Balkissoon could "easily" have attempted to grab the gun from inside a bag, on the rear *driver's side* seat while surrounded by officers beyond

documentary evidence. *Compare* Opp. Ex. A2 (bag containing gun on rear driver's side seat) *with* Opp. Ex. A3 (position of Mr. Balkissoon as detained by officers) *and* Opp. Ex. A4 (position of Mr. Balkissoon by passenger side door). The width of a 2015 Mercedes-Benz E 350 is 73 inches (6 feet, 1 inch). *Used 2015 Mercedes-Benz E-Class E 350 Luxury 4MATIC Sedan Specs & Features*, Edmunds (Sept. 2, 2021), at <https://edmu.in/3jHiSUo>.

Just like the allegation of Mr. Balkissoon purportedly rolling a marijuana cigarette, if the government seeks to prove that the gun was within Mr. Balkissoon's reaching distance, contrary to their officers' own body-worn camera footage, they can endeavor to do so at a hearing, where the witnesses can be confronted by evidence. The government is asking this Court to deny Mr. Balkissoon an in-person, evidentiary hearing, that this Court has already ordered, solely on its officers' (and its own) unsworn say-so, under the curious circumstance in which the entire search and arrest are captured on multiple body worn cameras, none of which contain the allegations as listed above. These are issues of material fact warranting a hearing, and cannot be resolved on the papers.

II. The Government Has Not Established Any Exception to the Warrant Requirement

An evidentiary hearing is further required because the government's legal arguments, flowing from its factual allegations, are incorrect. The government puts forth three justifications for the search of Mr. Balkissoon's car, each wrong. First, the government asserts that the search was justified by the search-incident-to-arrest doctrine, whether incident to stopping in a crosswalk or illegally possessing marijuana. Independently, the government argues the applicability of the automobile exception. None of these bases withstand scrutiny.

A. Search Incident to Arrest

The government's primary argument is that officers were permitted to search the inside of a bag, inside the passenger compartment of Mr. Balkissoon's car, after they had already removed him from the car and detained him beyond reaching distance of the gun. The government's argument directly contravenes *Arizona v. Gant*. 556 U.S. 332 (2009).

Prior to *Gant*, the leading precedent, *New York v. Belton*, 453 U.S. 454 (1981), "permitted police officers to search the passenger compartment of a vehicle and any containers therein as a contemporaneous incident of an arrest of the vehicle's recent occupant." *Gant*, 555 U.S. at 337 (citing *Belton*, 453 U.S. at 460). Rather than reaffirm *Belton*, *Gant* considerably narrowed its scope: the rationale "authorizes police to search a vehicle incident to a recent occupant's arrest

the car's trunk, or, after the search, as he fled past the *passenger's side* door, the government goes on to argue that the same principle is true "even if the defendant were not within reaching distance of the passenger compartment." The government is not entitled to change the facts. Respectfully, Mr. Balkissoon is not Inspector Gadget.

only when the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search.” *Gant*, 556 U.S. at 343.

As explained above in Part I, subject to varying testimony at an evidentiary hearing, and as depicted in Opp. Ex. A2, A3, and A4, Mr. Balkissoon, as a matter of fact, was not within reaching distance of the passenger compartment at the time of the search, nor was he unsecured. As the government notes, Mr. Balkissoon—the sole occupant of the vehicle—was stopped by six police officers: Officers Martinez, Modesto, Blum, Hassan, Gomez, and Whiteman. Opp. at 3. Compare *Belton*, 453 U.S. at 456 (Belton was one of four occupants stopped by a single police officer) with *Gant*, 556 U.S. at 344 (five officers outnumbered three arrestees). Upon Officer Hassan’s discovery of marijuana in the car, he directed Mr. Balkissoon to exit the vehicle and “step behind the rear of the Mercedes with Officer Modesto.” Opp. at 5; Mot. Ex. A2 (BWC of Officer Gomez); Opp. Ex. B (BWC of Officer Martinez) and C (BWC of Officer Hassan). There, Mr. Balkissoon was detained by Officers Gomez and Modesto. As the government concedes, “once the defendant stepped to the rear of the Mercedes, Officers Hassan and Martinez immediately began to search the passenger compartment.” Opp. at 5. Accordingly, from his position at the rear of the Mercedes, detained by at least two of the six officers at the car stop, Mr. Balkissoon was not in reaching distance of the passenger compartment at the time of the search:



Mot. Ex. A2 at 1:26:48 (from the vantage of Officer Gomez’s chest).

The government wholly misapprehends *Gant* by focusing not on Mr. Balkissoon’s location at the time of the search, as the Supreme Court required, but rather by his position vis-a-vis the gun prior to the search. See Opp. at 2 (noting that the backpack containing the gun “was open and within arm’s reach of the defendant as he sat in the car”); Opp. at 5 (“there was an open backpack in the rear seat of the Mercedes within arm’s reach of the driver’s seat”). This is inapposite. The purposes of the search-incident-to-arrest doctrine, as applied to car stops, are to “remove any weapons the arrestee might seek to use” during the search and “in order to prevent the concealment or destruction of evidence.” *Gant*, 556 U.S. at 339 (citing *Chimel v. California*, 395 U.S. 752 (1969)). “If there is no possibility that an arrestee could reach into the area that law enforcement officers seek to search, both justifications for the search-incident-to arrest exception

are absent and the rule does not apply.” *Id.* At the time of the search, Mr. Balkissoon was not in the driver’s seat; he was not sitting in the car. As depicted above, he could not reach into the bag in the backseat of the car, and the rule does not apply.

Further, the government cannot apply the rule because the officers opted not to handcuff Mr. Balkissoon, but rather to detain him by the presence of officers on either side of him. Mr. Balkissoon’s privacy rights cannot be contravened by officers in this way. As the Court held in *Gant*, “Construing *Belton* broadly to allow vehicle searches incident to any arrest would serve no purpose except to provide a police entitlement, and it is anathema to the Fourth Amendment to permit a warrantless search on that basis.” *Id.* at 347. Perhaps it was tactically unwise for the officers not to restrain Mr. Balkissoon, which permitted him—during the search, *after* the discovery of the gun—to run several steps before being tackled. But that choice by the officers did not then permit them to search the containers within his car *because* he was not handcuffed.

Because the government has not established that Mr. Balkissoon was in fact “unsecured and in reaching distance of the passenger compartment at the time of the search,” the officers could not lawfully search his car pursuant to the search-incident-to-arrest doctrine. *Gant*, 556 at 343. But even if he was, neither of the government’s predicates justify the application of the rule. First, the government asserts that the car could be searched incident to the traffic infraction, N.Y.V.T.L. § 1202(a)1.d, stopping or standing on the pedestrian crosswalk. But *Gant* literally precludes this argument, because “in many cases, as when a recent occupant is arrested for a traffic infraction,”—as Balkissoon was—“there will be no reasonable basis to believe the vehicle contains relevant evidence.” 556 U.S. at 343. *Gant*, 556 U.S. at 343 (*citing Thornton v. United States*, 541 U.S. 615, 632 (2004) (Scalia, J., concurring in judgment)).

Second, the government argues that the officers could search the car’s containers incident to probable cause for “illegally possessing marijuana.” *Opp.* at 12. But the government misapprehends the change in law that took effect on August 28, 2019—a year and a half before Mr. Balkissoon’s 2021 arrest. On the date of the arrest, Mr. Balkissoon did not “illegally possess” marijuana, because possession had been decriminalized, and was no longer unlawful. Rather, that possession was a non-criminal violation punishable only by a fine of not more than fifty dollars. The government’s reliance on a 2016 district court case that predates decriminalization is therefore misplaced. And the government is also wrong, as a matter of law, that “having already found marijuana in plain view in the center console of the vehicle, the defendant’s open backpack in the back seat was an obvious place to look for more marijuana.” *Opp.* at 14. While the officers may well desire to poke around in other places and other containers for more evidence, the Fourth Amendment does not give them that right. Observing one sealed package of marijuana is a completed offense that does not, on its own, give rise to a “reasonable basis” that there will be more of it elsewhere; that would “seriously undervalue the privacy interests at stake.” *Gant*, 556 U.S. at 344-45.

In any event, the government’s argument fails because of an additional change in New York law predating Mr. Balkissoon’s arrest. The government points to N.Y. Crim. Proc. Law § 140.10(1)(a) for the premise that “New York law provides that, ‘a police officer may arrest a

person for...[a]ny offense when he or she has reasonable cause to believe that such person has committed such offense in his or her presence.” Opp. at 11-12. But that Section of New York law was modified, effective January 1, 2020, by N.Y. Crim. Proc. Law § 150.20. As of that date, New York law required that whenever a police officer is authorized to make a warrantless arrest other than for an A, B, C, or D felony, or for certain offenses not relevant here, unless certain exceptions apply, the officer “shall” “instead” issue and serve upon the person an appearance ticket. N.Y. Crim. Proc. Law § 150.20. None of the exceptions apply to traffic infractions, to marijuana possession, or to Mr. Balkissoon’s personal circumstances. Accordingly, at the time of the search, the officers lacked probable cause to arrest him, and the search-incident-to-arrest doctrine is inapplicable.

B. Automobile Exception

Finally, the government submits that the warrantless search of Mr. Balkissoon’s car was justified by the automobile exception. Opp. at 14-19. As in Part I, the parties contest the officers’ observations and accusation that Mr. Balkissoon was rolling a marijuana cigarette that he would imminently smoke. The parties do not contest that the officers observed one single, sealed, 1.67 gram, commercially packaged pouch of marijuana, or that Mr. Balkissoon stated, “this is all the marijuana I have.” From that evidence and statement, the government infers that contrary to his word, they had probable cause to search the entirety of the vehicle “for marijuana.” Opp. at 16. But that is not what the officers did here.

As explained in his motion, the officers were not searching for marijuana. They were clearly searching for a gun. See Mot. at 3-4 (“I notice that you got arrested awhile back for a firearm...let me explain something to you. Because that’s on your record, we have to make the assumption that you probably have it.”). In context, it does not rationally follow that the officers are assuming that because he had a prior gun conviction, he probably has more marijuana. Rather, they assumed he had another gun, and they assumed that because they observed a sealed pouch of marijuana, they were permitted to look high and low, in door panels, center consoles, and glove compartments, and inside back packs on the backseat, to find it. This is not what the law allows.

As the New York Appellate Division recognized in *Ponder*, the automobile exception rests upon a “factual nexus between the possession of an amount of marijuana consistent with personal consumption and a search for contraband,” there, in the trunk of the vehicle. The government differentiates the trunk from the bag in the backseat because of its accessibility to the defendant. But that criteria is relevant to the search-incident-to-arrest doctrine, not the automobile exception. The law and practice with regard to the possession of marijuana in New York following decriminalization in 2019 is profoundly different than it was in 1981, when the Second Circuit decided *United States v. Jackson*. 652 F.2d 244, 252 n.6 (2d Cir. 1981). The non-precedential district court cases upon which the government relies, too, predate decriminalization.

With the change in state law, and stop by state police officers, the constitutional framework must change: citizens cannot, on the one hand, be told that possession of marijuana is no longer a crime, but on the other, it provides probable cause for a search of closed containers within their vehicle. The officers in this case acted under an apparent belief that observing marijuana in a sealed bag, even following decriminalization, gave them a free search of every part of Balkissoon's car, and every bag therein, to find whatever they may. Doing so is wholly untethered to the basis for the automobile exception, and with the change in law, is no longer supportable. Following an evidentiary hearing, this Court should follow *Ponder*.

III. Conclusion

For all of the above reasons, there exist material disputes of fact that must be resolved at an evidentiary hearing before the Court may properly apply the law. Such a hearing is already scheduled for October 6, 2021. The Court should hold that hearing, and then, upon argument, suppress the firearm recovered.

Respectfully submitted,

/s/

Mia Eisner-Grynberg
Assistant Federal Defender
(718) 330-1257

cc: AUSA Garen Marshall

EXHIBIT A



NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)



Invoice No **3001310415**

Invoicing Command
67TH PCT.

Invoice Status

OPEN

Invoice Date
02/07/2021

Property Type
FIREARM

Property Category
ARREST EVIDENCE

Officers	Rank	Name	Tax No.	Command	
Invoicing	POM	HASSAN, HAROONUL		67TH PRECINCT	OCME EU No.
Arresting	POM	HASSAN, HAROONUL		67TH PRECINCT	OCME FB No.
Investigating	N/A				Police Lab Evid. Ctr. No.
Det Squad Supervisor	N/A				Det Sqd Case No N/A
CSU/ECT Processing	POM	KURYJ, PAWEL		PBBS ACU	CSU/ECT Run No 318/21

Item	Total QTY	Article(s)	PETS No	Pkg QTY	Disposition
1	1	PISTOL MAKE: SMITH & WESSON MODEL: SW9VE CALIBER: 9MM FIREARM COLOR: BLACK SERIAL NO. EXISTS: YES SERIAL NO.: DVN9583 LICENSE ACTIVE: NO MARKED HH1	1204420057	1	
2	1	MAGAZINE MAKE: SMITH & WESSON MARKED HH2	1204420057	1	
3	5	CARTRIDGE CALIBER: 9MM MARKED HH3 - HH7	1204420057	5	

REMARKS:
964549 02/07/2021 06:32 : AT TPO ABOVE ITEMS VOUCHERED IN REGARDS TO ARREST AND SENT TO LAB FOR ANALYSIS

Date Of Incident	Penal Code/Description	Crime Classification	Related To	Receipt
02/07/2021	26502/CRIM POSS WEAPON	FELONY	N/A	REFUSED

Prisoner(s) Name	DOB	Age	Address	Arrest No /Summons No	NYSID No.
1 BALKISSOON, KYLE	02/06/1995	26	1400 BERGEN STREET, 2A, BROOKLYN, NY	K21604954	11597620N

	Name	Tax No.	Address	Phone No
Finder(s)	HASSAN, HAROONUL		1 POLICE PLAZA NEW YORK, NY 10038.	
Owner(s)	BALKISSOON, KYLE		1400 BERGEN STREET, 2A, BROOKLYN, NY	347-635-9918
Complainant(s)	PSNY			

Complaint No. **2021-067-01081**
Related Comp No (s) **N/A**
Aided/Accident No (s) **N/A**
Related Invoice(s) **3001310478**



Invoice No **3001310415**

Arresting Officer Copy
printed 02/07/2021 14:56

PCD Storage No. --

Page No 1 of 2



NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)



Invoice No. **3001310415**

Approvals	Rank	Name	Tax No	Command	Date	Time
Entered By	POM	MARTINEZ, JULIO		67TH PRECINCT	02/07/2021	01:56
Invoicing Officer	POM	HASSAN, HAROONUL		67TH PRECINCT	02/07/2021	14:56
Approved By	SGT	WHITEMAN, MICHAEL		67TH PRECINCT	02/07/2021	14:56



Invoice No. **3001310415**

Arresting Officer Copy
printed: 02/07/2021 14:56

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EXHIBIT B



NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)



Invoice No. **3001310454**

Invoicing Command
67TH PCT.

Invoice Status
OPEN

Invoice Date
02/07/2021

Property Type
CONTROLLED SUBSTANCE

Property Category
ARREST EVIDENCE

Officers	Rank	Name	Tax No.	Command	
Invoicing	POM	HASSAN, HAROONUL		67TH PRECINCT	OCME EU No.
Arresting	POM	HASSAN, HAROONUL		67TH PRECINCT	OCME FB No.
Investigating	N/A				Police Lab Evid. Ctrl. No.
Det. Squad Supervisor	N/A				Det. Sqd. Case No. N/A
CSU/ECT Processing	N/A				CSU/ECT Run No. N/A

Item	Total QTY	Article(s)	PETS No.	Pkg. QTY	Disposition
1	1	MARIJUANA COLOR: GREEN, DARK PACKAGED IN: ZIP LOCK BAG FORM: VEGETATIVE NARCOTIC IS: FIELD TESTED POSITIVE ASSORTED COLOR ZIP LOCK BAG.	1204419127 -1400135394	1	
2	1	SCALE MAKE: CR COLOR: BLACK	1204419127 -1400135394	1	

REMARKS:
964549 02/07/2021 04:35 : ABOVE LISTED ITEMS VOUCHERED IN REGARDS TO ARREST AS ARREST EVIDENCE.

Date Of Incident	Penal Code/Description	Crime Classification	Related To	Receipt
02/07/2021	26502/CRIM POSS WEAPON	FELONY	N/A	REFUSED

Prisoner(s) Name	DOB	Age	Address	Arrest No./Summons No.	NYSID No.
1 BALKISSOON, KYLE	02/06/1995	26	1400 BERGEN STREET, 2A, BROOKLYN, NY	K21604954	11597620N

	Name	Tax No.	Address	Phone No.
Finder(s)	HASSAN, HAROONUL		1 POLICE PLAZA NEW YORK, NY 10038.	
Owner(s)	BALKISSOON, KYLE		1400 BERGEN STREET, 2A, BROOKLYN, NY	347-635-9918
Complainant(s)	PSNY			

Complaint No. **2021-067-01081**
Related Comp No (s) **N/A**
Aided/Accident No (s) **N/A**
Related Invoice(s) **3001310415**



Invoice No. **3001310454**

Arresting Officer Copy
printed: 02/07/2021 14:36

PCD Storage No. --

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NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)



Invoice No. **3001310454**

Approvals	Rank	Name	Tax No.	Command	Date	Time
Entered By	POM	HASSAN, HAROONUL		67TH PRECINCT	02/07/2021	04:21
Invoicing Officer	POM	HASSAN, HAROONUL		67TH PRECINCT	02/07/2021	14:35
Approved By	SGT	WHITEMAN, MICHAEL		67TH PRECINCT	02/07/2021	14:35



Invoice No. **3001310454**

Arresting Officer Copy

printed: 02/07/2021 14:36

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EXHIBIT C



NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)



Invoice No. **3001310478**

Invoicing Command
67TH PCT.

Invoice Status
OPEN

Invoice Date **02/07/2021** Property Type **GENERAL PROPERTY** Property Category **ARREST EVIDENCE**

Officers	Rank	Name	Tax No.	Command	
Invoicing	POM	HASSAN, HAROONUL		67TH PRECINCT	OCME EU No.
Arresting	POM	HASSAN, HAROONUL		67TH PRECINCT	OCME FB No.
Investigating	N/A				Police Lab Evid. Ctrl No.
Det Squad Supervisor	N/A				Det Sqd Case No. N/A
CSU/ECT Processing	N/A				CSU/ECT Run No. N/A

Item	Total QTY	Article(s)	PETS No.	Pkg QTY	Disposition
1	1	OTHER CONTAINER COLOR: BLACK MAKE: SAINT LAURENT BLACK CLOTH BAG	1204420058	1	

REMARKS:
964549 02/07/2021 06:10 : AT TPO ITEM VOUCHERED AS ARREST EVIDENCE IN REGARDS TO FIREARM VOUCHER 3001310415

Date Of Incident	Penal Code/Description	Crime Classification	Related To	Receipt
02/07/2021	26502/CRIM POSS WEAPON	FELONY	N/A	REFUSED

Prisoner(s) Name	DOB	Age	Address	Arrest No /Summons No.	NYSID No.
1 BALKISSOON, KYLE	02/06/1995	26	1400 BERGEN STREET, 2A, BROOKLYN, NY		11597620N

Name	Tax No.	Address	Phone No.
Finder(s) HASSAN, HAROONUL		1 POLICE PLAZA NEW YORK, NY 10038.	
Owner(s) BALKISSOON, KYLE		1400 BERGEN STREET, 2A, BROOKLYN, NY	347-635-9918
Complainant(s) PSNY			

Complaint No. **2021-067-01081**
Related Comp No (s) **N/A**
Aided/Accident No (s) **N/A**
Related Invoice(s) **3001310415**

Approvals	Rank	Name	Tax No.	Command	Date	Time
Entered By	POM	HASSAN, HAROONUL		67TH PRECINCT	02/07/2021	06:08
Invoicing Officer	POM	HASSAN, HAROONUL		67TH PRECINCT	02/07/2021	06:11
Approved By	SGT	WHITEMAN, MICHAEL		67TH PRECINCT	02/07/2021	06:11



Invoice No. **3001310478**

Arresting Officer Copy
printed 02/07/2021 06:12

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EXHIBIT D



NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)



Invoice No. **3001310473**

Invoicing Command
67TH PCT.

Invoice Status
OPEN

Invoice Date
02/07/2021

Property Type
GENERAL PROPERTY

Property Category
INVESTIGATORY

Officers	Rank	Name	Tax No.	Command	
Invoicing	POM	HASSAN, HAROONUL		67TH PRECINCT	OCME EU No.
Arresting	POM	HASSAN, HAROONUL		67TH PRECINCT	OCME FB No.
Investigating	N/A				Police Lab Evid. Cntl No.
Det Squad Supervisor	N/A				Det Sqd. Case No. N/A
CSU/ECT Processing	N/A				CSU/ECT Run No. N/A

Item	Total QTY	Article(s)	PETS No.	Pkg. QTY	Disposition
1	1	CELL PHONE COLOR: BLACK MAKE: APPLE MODEL: IPHONE NO IMEI # AVAILABLE, CELL PHONE PASSWORD PROTECTED	1204420059	1	
2	1	CELL PHONE - ACCESSORIES COLOR: BLACK CELL PHONE CASE	1204420059	1	

REMARKS:
964549 02/07/2021 06:01 : THE ABOVE ITEMS WERE VOUCHERED FOR INVESTIGATORY.

Date Of Incident	Penal Code/Description	Crime Classification	Related To	Receipt
02/07/2021	26502/CRIM POSS WEAPON	FELONY	N/A	ACCEPTED

Prisoner(s) Name	D O B	Age	Address	Arrest No./Summons No.	NYSID No.
1 BALKISSOON, KYLE	02/06/1995	26	1400 BERGEN STREET, BROOKLYN, NY		11597620N

Name	Tax No.	Address	Phone No.
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Finder(s)
Owner(s) **BALKISSOON, KYLE** **1400 BERGEN STREE, BROOKLYN, NY**
Complainant(s) **PSNY**

Complaint No. **2021-067-01081**
Related Comp No. (s) **N/A**
Aided/Accident No (s) **N/A**
Related Invoice(s) **N/A**



Invoice No. **3001310473**

Property Clerk Copy
printed: 02/07/2021 06:02

PCD Storage No. --

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NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev 11/05)



Invoice No **3001310473**

Approvals	Rank	Name	Tax No	Command	Date	Time
Entered By	POM	HASSAN, HAROONUL		67TH PRECINCT	02/07/2021	05:53
Invoicing Officer	POM	HASSAN, HAROONUL		67TH PRECINCT	02/07/2021	06:02
Approved By	SGT	WHITEMAN, MICHAEL		67TH PRECINCT	02/07/2021	06:02



Invoice No **3001310473**

Property Clerk Copy
printed 02/07/2021 06:02

PCD Storage No. --

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EXHIBIT E



NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)



Invoice No **3001310456**

Invoicing Command
67TH PCT.

Invoice Status

OPEN

Invoice Date
02/07/2021

Property Type
GENERAL PROPERTY

Property Category
ARREST EVIDENCE

Officers	Rank	Name	Tax No.	Command	
Invoicing	POM	HASSAN, HAROONUL		67TH PRECINCT	OCME EU No
Arresting	POM	HASSAN, HAROONUL		67TH PRECINCT	OCME FB No
Investigating	N/A				Police Lab Evid. Ctrl. No
Det Squad Supervisor	N/A				Det Sqd. Case No N/A
CSU/ECT Processing	N/A				CSU/ECT Run No N/A

Item	Total QTY	Article(s)	PETS No	Pkg QTY	Disposition
1	1	BACK PACK COLOR: BLACK MAKE MOSCHINO	1300707998	1	
2	1	OTHER ACCESSORY MAKE: PRADA COLOR: BLACK BLACK PRADA EYEGLASS CASE	1300707998	1	
3	1	BATTERY COLOR: BLACK BATTERY POWERBANK	1300707998	1	
4	1	HEADPHONE COLOR: WHITE	1300707998	1	
5	1	WIRES COLOR: WHITE WHITE CHARGING CABLE	1300707998	1	
6	2	OTHER ELECTRONICS COLOR: MULTICOLORED CHARGING BLOCKS	1300707998	2	
7	1	NOTEBOOK COLOR: BLUE	1300707998	1	
8	1	NOTEBOOK COLOR: RED MAKE: CARTIER	1300707998	1	
9	1	NOTEBOOK COLOR: BLACK MAKE: STEINWAY	1300707998	1	



Invoice No **3001310456**

Arresting Officer Copy

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NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)



Invoice No. **3001310456**

Item	Total QTY	Article(s)	PETS No	Pkg QTY	Disposition
		PLANNER			
10	1	CELL PHONE COLOR: BLUE MAKE: UNK IMEI #: 357485092871740	1300707998	1	
11	1	CELL PHONE COLOR: GRAY MAKE: LG IMEI #: 355437107837408	1300707998	1	
12	1	CELL PHONE COLOR: BLACK MAKE: APPLE MODEL: IPHONE IMEI N/A	1300707998	1	
13	1	BACK PACK COLOR: GRAY ISLAND GARDEN BASKETBALL BOOKBAG	1300707998	1	
14	28	MISC PAPERS	1300707998	28	
15	64	MISC PAPERS DOCUMENT HOLDER'S NAME: KYLE BALKISSOON	1300707998	64	
16	1	IDENTIFICATION CARD DOCUMENT HOLDER'S NAME: KYLE BALKISSOON NUMBER: 302436750 ISSUER'S NAME: NEW YORK STATE LEARNERS PERMIT	1300707998	1	
17	1	DRIVING LICENSE DOCUMENT HOLDER'S NAME: KYLE BALKISSOON NUMBER: 302436750 ISSUER'S NAME: NEW YORK STATE INTERIM LICENSE	1300707998	1	

REMARKS:
964549 02/07/2021 04:56 : AT TPO ITEMS VOUCHERED AS ARREST EVIDENCE. PENDING ARREST NUMBER

Date Of Incident	Penal Code/Description	Crime Classification	Related To	Receipt
02/07/2021	26502/CRIM POSS WEAPON	FELONY	N/A	REFUSED

Prisoner(s) Name	D O B	Age	Address	Arrest No /Summons No	NYSID No
1 BALKISSOON, KYLE	02/06/1995	26	1400 BERGEN STREET, 2A, BROOKLYN, NY		11597620N
Name	Tax No.	Address	Phone No		



Invoice No. **3001310456**

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NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
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Invoice No. **3001310456**

	Name	Tax No	Address	Phone No
Finder(s)	HASSAN, HAROONUL		1 POLICE PLAZA NEW YORK, NY 10038.	
Owner(s)	BALKISSON, KYLE		1400 BERGEN STREET, 2A, BROOKLYN, NY	347-635-9918
Complainant(s)	PSNY			

Complaint No. **2021-067-01081**
Related Comp No (s) **N/A**
Aided/Accident No (s) **N/A**
Related Invoice(s) **N/A**

Approvals	Rank	Name	Tax No	Command	Date	Time
Entered By	POM	HASSAN, HAROONUL		67TH PRECINCT	02/07/2021	04:28
Invoicing Officer	POM	HASSAN, HAROONUL		67TH PRECINCT	02/07/2021	05:21
Approved By	SGT	WHITEMAN, MICHAEL		67TH PRECINCT	02/07/2021	05:21



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EXHIBIT F



NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
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Invoice No. **3001310450**

Invoice Date
02/07/2021

Invoice Status
OPEN-CEU REVIEW PENDING

Invoicing Command **67TH PRECINCT** Property Type **VEHICLE / BOAT** Property Category **FORFEITURE**

Officers	Rank	NAME	Tax No.	Command	
Invoicing	POM	HASSAN,HAROONUL		67TH PRECINCT	ADA Office
Arresting	POM	HASSAN,HAROONUL		67TH PRECINCT	ADA Name
Investigating	N/A				ADA Phone
Det Squad Supervisor	N/A				Det Sqd Case No N/A
CSU/ECT Processing	N/A				CSU/ECT Run No. N/A
Owner Notified By	POM	HASSAN,HAROONUL		67TH PRECINCT	Date Time :

How the Owner was Notified:

Vehicle Details

Vehicle year: **2015** Make: **MERCEDES-BENZ** Model: **E 350** Type: **4 DOOR SEDAN** Color: **BLACK**
 Veh.Ident. No: **WDDHF8JB6FB130772** No. of Lic. Plates: **2** Lic. Plate No.: **JPW2420** State: **NY - US**
 Cert. Of Inspection: Ser. No: **3307115** State: **NY - US** Yr. **2021** Vehicle Running: **YES**
PETS# 6582729

Additional description: .

Location Veh/Boat Obtained: **EAST 34 STREET/CORTELYOU ROAD,BROOKLYN,NY-11226**

Time: **02:00** Date: **02/07/2021** Personel Property Removed: **NO** Recovery Premise Type: **STREET**

Department Tow Operator: Name:

Alarm No: Truck #

REMARKS:
964549 02/07/2021 04:42 : ABOVE LISTED ITEM IS BEING VOUCHERED FOR FORFEITURE

Date of Incident	Penal Code/Description	Class Classification	Related To	Receipt
02/07/2021	26502/CRIM POSS WEAPON	FELONY		REFUSED

Prisoner(s) Name	D O B	Age	Address	Arrest No	NYSID No
1 BALKISSOON,KYLE	02/06/1995	25	22 S 1ST STREET, NEW HYDE PARK, NY- 11040		11597620N

Name	Tax No	Address	Phone No
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Finder(s)

Registered Owner **BALKISSOON,KYLE** **2,S 1ST STREET,NEW HYDE PARK,NY-11040**
 Titled Owner **BALKISSOON,KYLE** **22,S 1ST STREET,NEW HYDE PARK,NY-11040**
 Vehicle's Taken From **BALKISSOON,KYLE** **22,S 1ST STREET,NEW HYDE PARK,NY-11040**

Related Comp No (s) **N/A**



Invoice No **3001310450**

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NYPD PETS PROPERTY and EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev 11/09)



Invoice No **3001310450**

Complaint No. **2021-067-01081**

Aided/Accident No (s) **N/A**

Related Invoice(s) **N/A**

Inspection Details

Inspection Desc: **INVOICING INSPECTION**

02/07/2021 04:39 Inspection Performed by **HAROONUL, HASSAN** Tax ID 964549

No of Tires: **04** No of Airbags: **NONE** Battery: **YES** Radio: **NONE** Additional Audio Equipment: **NONE**
Special Wheels: **NONE** Wheel Covers: **NONE** Keys with Vehicle: **IGNITION & TRUNK** Trunk: **LOCKED** Glove Compartment: **LOCKED**
Exterior Condition: **FAIR** Interior Condition: **FAIR** Odometer Reading: **60592**

Additional equipment or Accessories:
(Indicate Which)

List Missing or Damaged Parts: **NONE**
(Indicate Which)

Approvals	Rank	Name	Tax No	Command	Date	Time
Entered by	POM	HASSAN, HAROONUL		67TH PRECINCT	02/07/2021	04:13
Invoicing Officer	POM	HASSAN, HAROONUL		67TH PRECINCT	02/07/2021	04:44
Approved By	SGT	WHITEMAN, MICHAEL		67TH PRECINCT	02/07/2021	04:44



Invoice No. **3001310450**

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EXHIBIT G

